

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 4780-LTS

PUERTO RICO ELECTRIC POWER
AUTHORITY (PREPA),

Debtor.

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ORDER REGARDING THE APPLICABILITY OF F.R.B.P. 2019 TO THE TITLE III
CASES AND A FURTHER PROPOSED AMENDMENT TO THE CASE MANAGEMENT ORDER

I. Federal Rule of Bankruptcy Procedure 2019 and a Related Amendment

Federal Rule of Bankruptcy Procedure 2019 is applicable to these Title III Cases pursuant to Section 310 of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”), 48 U.S.C. § 2170. To ensure full and timely compliance with the Rule, the

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); and (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Court proposes the following amendment (the “2019 Amendment”) to the Case Management Order (docket entry no. 262 in case no. 17 BK 3283) governing the above-captioned Title III Cases to require the following:

1. Every group, committee and entity described in Federal Rule of Bankruptcy Procedure 2019(b)(1) (each, a “Rule 2019(b) Group”) that, on or before August 9, 2017, has taken a position before the Court² must file a verified statement that complies with the disclosure requirements enumerated by Federal Rule of Bankruptcy Procedure 2019 by **August 16, 2017** at 5:00 p.m. (prevailing Eastern Time).
2. A Rule 2019(b) Group that first takes a position before the Court or solicits votes regarding the confirmation of a plan on behalf of another after August 9, 2017, must file a verified statement compliant with Federal Rule of Bankruptcy Procedure 2019(c) **within five (5) calendar days** of taking such position before the Court or soliciting such votes. Federal Rule of Bankruptcy Procedure 9011(b) applies to attorneys filing such statements.
3. If any fact disclosed in the Rule 2019(b) Group’s most recently filed statement (including, but not limited to, information concerning the composition of the Rule 2019(b) Group) changes materially, the Rule 2019(b) Group must file a supplemental verified statement contemporaneously with or within 48 hours after the next instance in which the Rule 2019(b) Group takes a position before the Court or solicits votes on the confirmation of a plan. Federal Rule of Bankruptcy Procedure 9011 applies to

² For the avoidance of doubt, the phrase “taken a position before the Court” includes, but is not limited to, the filing of any pleading before the Court, including informative motion practice containing factual or legal representations or arguments.

attorneys filing such supplemental statements. The absence of such a supplemental statement shall be deemed a representation that no material changes have occurred.

II. Scheduling Amendment

The Court proposes to amend Section III.A of the Case Management Order (the “Scheduling Amendment,” and together with the 2019 Amendment, the “Proposed Amendment”) to provide that the nine Omnibus Hearings, taking place after the August Omnibus Hearing, shall be scheduled for the following dates and times:

- 9:30 a.m. on the 4th day of October, 2017;
- 9:30 a.m. on the 15th day of November, 2017;
- 9:30 a.m. on the 20th day of December, 2017;
- 9:30 a.m. on the 7th day of February, 2018;
- 9:30 a.m. on the 7th day of March, 2018;
- 9:30 a.m. on the 25th day of April, 2018;
- 9:30 a.m. on the 6th day of June, 2018;
- 9:30 a.m. on the 25th day of July, 2018; and
- 9:30 a.m. on the 12th day of September, 2018.

III. Responses or Objections to the Proposed Amendment

Any responses or objections to the Proposed Amendment must be filed, in the form of an informative motion not to exceed five (5) pages, no later than **August 2, 2017**.

SO ORDERED.

Dated: July 26, 2017

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge